

BAKER & HOSTETLER LLP

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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Chapter
7 Estate of Bernard L. Madoff,

Plaintiff,

v.

MALCOLM SAGE and LYNNE FLORIO,

Defendants.

Adv. Pro. No. 23-01099 (CGM)

**DECLARATION OF LAN HOANG IN SUPPORT OF TRUSTEE'S MEMORANDUM OF
LAW IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

I, Lan Hoang, declare the following:

1. I am a Partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard, as Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the chapter 7 estate of Bernard L. Madoff. I submit this declaration in support of the Trustee’s memorandum of law in opposition to Defendants’ Motion to dismiss the complaint.

2. Attached hereto as Exhibit 1 is a true and correct copy of Judge Keenan’s April 15, 2022 Decision.¹ *See Consolidated Actions*, ECF No. 111.

3. Attached hereto as Exhibit 2 is a true and correct copy of email correspondence from Andrew Kratenstein to the Trustee’s counsel, dated April 16, 2022.

4. Attached hereto as Exhibit 3 is a true and correct copy of email correspondence from the Trustee’s counsel to Andrew Kratenstein, dated April 17, 2022.

5. Attached hereto as Exhibit 4 is a true and correct copy of the parties’ Joint Letter to Judge Keenan, dated April 18, 2022. *See Consolidated Actions*, ECF No. 112.

6. Attached hereto as Exhibit 5 is a true and correct copy of Judge Keenan’s April 18, 2022 Order. *See Consolidated Actions*, ECF No. 113.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Clerk of Court’s Final Judgment. *See Consolidated Actions*, ECF No. 114.

¹ All defined terms herein shall have the same meaning ascribed in the Trustee’s memorandum of law in opposition to Defendants’ motion to dismiss.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing
statements are true and correct.

Dated: August 16, 2023
New York, New York

Respectfully submitted,

BAKER & HOSTETLER LLP

By: /s/ *Lan Hoang*
Lan Hoang